

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

NATIVE ECOSYSTEMS COUNCIL, and	)	CV 11-27-M-DWM
ALLIANCE FOR THE WILD ROCKIES,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
LESLIE WELDON, Regional Forester of	)	
Region One of the U.S. Forest Service, and	)	
UNITED STATES FOREST SERVICE, an	)	
agency of the U.S. Department of Agriculture,	)	
	)	
Defendants.	)	
_____	)	

Two deadlines are currently set in this ESA and NEPA action challenging the U.S. Forest Service's approval of the North Butte Salvage and Aquatic Improvements Project (the "Project"). The answer to Plaintiffs' Complaint is due today, and the case management plan is due May 6, 2011. The United States now moves to stay both deadlines. Plaintiffs oppose the request.

The United States submits copies of a letter the Forest Supervisor sent to Plaintiffs, informing them that the Forest Service intends to prepare a revised

Environmental Assessment for the Project. The United States contends a stay is warranted because a revised Environmental Assessment could lead to the alteration or withdrawal of the Project. Notably, the Forest Service has not rescinded its Decision Notice approving the Project.

Litigation and the deadlines that come with it promote the resolution of conflicts. Here, the United States has had over two months to answer Plaintiffs' Complaint or withdraw the challenged Project. Now that the time has come for them to refute Plaintiffs' allegations, they ask the Court for more time so further analysis can be conducted. If the desire to complete supplemental analysis was substantiated by a withdrawal of the agency's approval of the Project, the United States would not need to request a stay; the case would be moot. The government has failed to justify its request for a stay in the face of Plaintiffs' opposition and interest in litigating this matter in a timely manner.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED that the United States' Motion to Stay Deadlines (dkt #10) is DENIED.

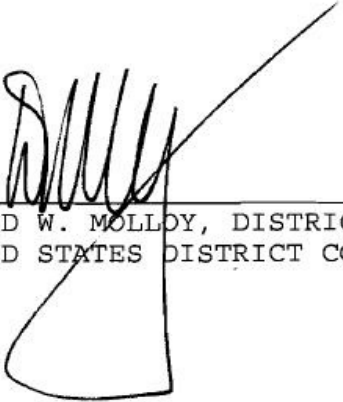
IT IS FURTHER ORDERED that the April 26, 2011 deadline for the United

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<sup>1</sup>In its request, the United States also mentions that a "key official" with the Forest Service is temporarily unavailable due to a medical emergency. The Court is confident the United States can file its answer and a case management plan in the time allotted despite the official's absence.

States to file its answer is VACATED and RESET for May 2, 2011. The May 6, 2011 deadline for the parties to file a case management plan is VACATED and RESET for May 16, 2011.

Dated this 26<sup>th</sup> day of April, 2011.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT